In the High Court of Judicature for Rajasthan
Jaipur Bench
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Cr. Msc. Petition No.1257/2007
Ranjeet Singh & Anr ***Versus***
State; Ram Singh & (2) Ors.

Date of Order ::: 06/12/07

Hon'ble Mr. Justice Ajay Rastogi

Mr. Eliyas Ali, for petitioners
Mr. Arun Sharma, Public Prosecutor.

Instant petition has been preferred for quashing of FIR-35/07 registered for offences U/s 419, 420, 467, 468, & 471, IPC against petitioners. A written report was filed by Ram Singh S/o Late Bheru Singh (complainant) alleging inter-alia that in respect of land measuring 1 bigha 5 biswas of Khasra No.539 situated at village Namana (Bundi) duly recorded in revenue record in the name of his father Bheru Singh, a power of attorney was forged and the same was got attested by petitioners through Notary Public on 14/11/2006 and on the basis of such forged power of attorney, petitioners sold the land on 15/11/06 while in fact his father Bheru Singh was sick for sufficient long time about one & half months who died on 19/11/06 and on account of forged documents, complainant has been deprived of their property. Complaint was sent U/s 156(3) CrPC for investigation on which FIR was registered. Petitioner

(accused) is an employee of Panchayat Samiti.

Basic contention before this Court is that civil dispute is also pending and once there was power of attorney in his name, which was registered; as such, he had right to dispose of the land and no criminal offence of any nature has been committed and even from perusal of the FIR, no case is made out against him Counsel further submits that even if there is perjury made in the document, it is the Court alone competent to initiate action for offence U/s 195, IPC after holding inquiry as provided U/s 340, CrPC.

This Court has gone through the FIR impugned. Civil dispute has no relevance while examining criminal liability which has to be independently examined on the basis of investigation based on material on record and from perusal of FIR, prima facie offences alleged are made out and it is for the investigating officer to examine and no opinion at this stage can be expressed.

Submission made with regard to inquiry for offence U/s 195, IPC has no application in the facts of instant case.

Consequently, misc. petition fails and is hereby dismissed.

(**Ajay Rastogi), J.**